

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MICHAEL DOHERTY, ALAN HOLMES, )  
and LOCAL 4053, INTERNATIONAL )  
ASSOCIATION OF FIRE FIGHTERS, )

Plaintiffs, )

v. )

CITY OF MARYVILLE, and GREGORY )  
MCCLAIN, named in his individual and )  
official capacities, )

Defendants. )

No.: 3:07-cv-157  
(VARLAN/SHIRLEY)

**ORDER**

For the reasons set forth in the memorandum opinion entered contemporaneously herewith, the Plaintiffs' Motion for Partial Summary Judgment as to Defendants' Liability [Doc. 40] is hereby **DENIED** and the Defendants' Motion for Summary Judgment [Doc. 41] is hereby **GRANTED in part** and **DENIED in part**. The plaintiffs' Fourth Claim in the complaint, in which plaintiffs allege a violation of Local 4053 International Association of Fire Fighter's free speech right, is hereby dismissed, but the remaining claims shall proceed to trial.

**ENTER :**

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE